

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 53-2002

A By-law to regulate the keeping of animals in the City of Vaughan, including provisions for animal identification.

WHEREAS The Municipal Act, Section s, 210, The Dog Owner's Liability Act, The Pounds Act, The Animals for Research Act, The Environmental Protection Act, and The Livestock, Poultry and Honey Bee Protection Act contain provisions enabling municipalities to regulate and identify animals.

NOW THEREFORE, The Council of The Corporation of The City of Vaughan **ENACTS AS FOLLOWS:**

DEFINITIONS

In this By-law the term:

"Aggressive Breed of Dog" means any dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by the Poundkeeper, namely:

- i) Pit Bull Terrier;
- ii) American Pit Bull Terrier;
- iii) Pit Bull;
- iv) or a dog of mixed breeding which includes the bloodline of the breeds referred to in this section;
- v) Staffordshire Bull Terrier except a Staffordshire Bull Terrier which is registered with the American Kennel Club or the Canadian Kennel Club; or
- vi) American Staffordshire Terrier, except an American Staffordshire Terrier which is registered with the American Kennel Club or the Canadian Kennel Club.

"Animal Control Officer" means:

- (a) a person or class of person designated as such by a by-law of the City;
- (b) any person, company, corporation or association providing an animal control service by contract to the City; and,
- (c) any employee, agent, servant and representative of such person, company, corporation or association.

"Cat" means a male or female cat of the feline domestic species, over the age of twelve weeks.

"City" means The Corporation of the City of Vaughan.

"Control" means securely restrained on an approved leash, held by a person when the dog is on lands in the municipality, other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

“Dog” means a male or female dog of the canine species over the age of twelve weeks, but does not include a guide dog.

“Dropper” means a bird that is used to attract pigeons back to their coop, but shall be deemed not to be a pigeon.

“Dwelling Unit” means a room or suite of two (2) or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons and having a private entrance from outside or from a common hallway or stairway inside and which is located in a residentially zoned part of the City.

“Enclosed Pen” means a pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimetres (1 foot), or as otherwise approved by the Poundkeeper. The pen shall provide humane shelter for the dog while preventing it from escaping therefrom and preventing entry therein of unsupervised children.

“Guide Dog” means a dog which serves as a guide or leader for a person that is visually impaired and which has been specially trained for that purpose.

“Kennel” means: as defined in the City’s Licensing By-law.

“Leash” means a rope, chain or other similar device that is designed to restrain the breed of animal it is controlling.

“Licence” means a licence issued pursuant to this By-law.

“Microchip Implant” means an electronic device implanted under the skin of a dog so that the animal can be identified at all times by local Authorities or Animal Control Officers.

“Muzzled” means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

“Owner” means the owner of a dog or cat which includes a person who possesses or harbours a dog or cat and, where the owner is a minor, the person responsible for the custody of the minor, and “owns” and “owned” have a corresponding meaning. This also includes any person who keeps, harbours or is in control of pigeons and shall include a person who is temporarily the keeper or in control of pigeons.

“Pigeon” means any kind of pigeon and includes any pigeon whether wild or kept as a pet or for consumption.

“Police Work Dog” means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties.

“Pound” means such premises and facilities designated as the City’s Animal Shelter and Pound.

“Poundkeeper” means the person appointed as such by By-law of Council.

“Purebred” means:

registered or eligible for registration in the register of The Canadian Kennel Club Incorporated; or, of a class designated as purebred in any regulations passed pursuant to provincial legislation.

“Racing Pigeon” means a pigeon banded with a numbered band issued by an active racing club or association and raised for the purposes of racing and/or showing.

“Racing Pigeon Club” means an organization of no less than five (5) members, who are associated with a Racing Pigeon Combine and are members of the Canadian Pigeon Racing Association.

“Restrained” means being kept securely confined either inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.

“Running at Large” means being in any place other than the premises of the owner and not under the control of any adult person.

“Sanitary” means the animal’s enclosure must be kept free of any accumulation of fecal matter, odors, insect infestation or rodent attractants, which may endanger the health of any person or animal, or which disturbs or is likely to disturb the quiet enjoyment of any neighbouring resident.

“Senior Citizen” means a person who is sixty-five (65) years of age or older and is a resident of the City of Vaughan.

“Tag” means a disc or other shape of metal or plastic furnished by the City as hereinafter provided and suitable to be securely fixed on a dog or cat.

“Valid Rabies Certificate” means an up to date rabies certificate issued by a licenced veterinarian certifying the dog to be registered, has been immunized and bearing a date no later than twelve (12) months previous to the date of purchasing the licence.

“Vicious Dog” means a dog which, without provocation, has bitten a person or a domestic animal and has been impounded by the Animal Control Officer.

“Visually Impaired” means a person to whom an identification card has been issued by the Attorney General or an officer of his Ministry, pursuant to the provisions of the Blind Persons’ Rights Act.

PART 1 **LICENSING OF DOGS**

- (1) Every owner of a dog shall:
 - on or about the first day of January in each year, or if the dog is acquired by the owner after January 1, within thirty (30) days of acquisition, obtain from the City a license and tag for each dog;
- (2) upon application for a license and tag, submit valid rabies certificate;
- (3) notwithstanding the fees referred to in Schedule “A” to this By-law, the owner of a dog who is a blind person and requires a guide dog, shall not be required to pay the license fee for a guide dog and where the owner of a dog is a senior citizen the license fee shall be the applicable fee as set out in Schedule “A” to this By-law;
- (4) The owner of every dog having obtained a license and tag for each dog, as required by this By-law shall:
 - (1) keep the tag securely fixed on the dog for which the tag was issued at all times;

- (2) pay a tag replacement fee specified in Schedule "A", in the event the tag issued for the dog is lost;
 - (3) not transfer the license issued to any other person or dog;
- (5) The owner of every dog that is a Vicious Dog as set out in Part 6, Section 1, an Aggressive Dog as set out in the Definitions shall obtain a license and identify the dog by microchip implantation.
- (6) Every license issued pursuant to this By-law shall expire on the last day of February in the following year of issuance;
- (7) Any person knowingly giving false information when applying for the license shall be in breach of this By-law.

PART 2 LICENSING OF CATS

- (1) Every owner of a cat shall:
 - (1) on or before the first day of January in each year, or if the cat is acquired by the owner after January 1, within 30 days of its acquisition, obtain from the City an identification tag for each cat;
 - (2) upon application for a license and tag, submit valid rabies certificate;
 - (3) the owner of every cat having obtained a tag for each cat, as required by this By-law, shall:
 - (1) keep the tag securely fixed at all times on the cat for which the tag is issued;
 - (2) pay a tag replacement fee specified in Schedule "A", in the event the tag issued for the cat is lost;
 - (3) not transfer the tag issued to any other person or cat;
 - (4) Where a property owner or tenant makes a complaint to the Animal Control Officer that a cat is causing damage to the said owner's or tenant's property or is otherwise creating a disturbance on that property, the said Animal Control Officer may, with the consent of the said property owner or tenant, enter onto the private property and into the structure thereon, and capture the cat and impound same in accordance with the provisions of this By-law.

PART 3 ANIMALS RUNNING AT LARGE

- (1) No person shall allow his or her animal to run at large in the City.
- (2) For the purpose of this Section, an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the animal, or on private land other than that of the owner of the animal, where consent by the owner of the land has been given, and the animal is not under the control of any adult person.
- (3) No person shall enter or be in a public park with a dog or cat unless the dog is on a leash.
- (4) A dog or cat running at large may be seized and impounded by any person who shall deliver the animal to the Animal Control Officer appointed by the City.
- (5) If a dog or cat that has been seized has a tag or identification or microchip, it shall be the duty

of the Animal Control Officer to give notice of the seizure to the owner of the dog or cat according to the City records, by personally contacting the owner or delivering or posting by prepaid ordinary mail, to the address of such owner as recorded in the last revised assessment roll of the City and if notice is given by mail it shall be deemed to have been effectively given upon the mailing thereof.

- (6) A person whose dog or cat has been impounded shall pay the impound fee in accordance with Schedule "A" prior to its release. For the purpose of this paragraph, a dog or cat shall be deemed to be impounded when taken into custody by the Animal Control Officer.
- (7) If a dog or cat is not claimed by the owner thereof and picked up within five (5) days (exclusive of Sundays and Statutory Holidays) after notice has been given as provided in subsection (5) or after having been impounded in the case of a dog or cat not having a tag or identification, then the Animal Control Officer may sell the dog or cat and retain the proceeds of the sale or may destroy it if he/she has complied with all government regulations in that respect.
- (8) In the event the dog or cat is not sold, destroyed or otherwise disposed of, the owner thereof shall be entitled to claim and pick up the dog or cat upon payment of the fee set out in Schedule "A" plus such additional charges for the boarding of it as the Animal Control Officer may reasonably impose.

PART 4 **NUMBER OF ANIMALS**

- (1) The maximum number of dogs that may be kept in any single dwelling unit in the City of Vaughan shall not exceed three (3).
- (2) The maximum number of cats that may be kept in any single dwelling unit in the City of Vaughan shall not exceed three (3).
- (3) Notwithstanding Sections 1 and 2, the total number of animals per single dwelling unit, including pigeons, shall not exceed six (6).
- (4) Notwithstanding the above, a person may keep more than the prescribed number of dogs or cats provided that the person has obtained a kennel licence to operate a kennel subject to the provisions of the City of Vaughan Zoning By-law, and Licensing By-law.

PART 5 **CARE OF ANIMALS**

- (1) Every person who keeps or harbours a dog or cat in the City shall provide the dog or cat, or cause it to be provided with food, water, exercise, attention and veterinary care as may be required from time to time to keep the animal in good health.
- (2) If a dog or cat is customarily kept out of doors, the person having the custody and control of the animal shall at all times provide for it's use a structurally sound, weather-proof enclosure with an off the ground flooring, kept in a sanitary condition, which shall be located not less than 1.4 metres from the property line.
- (3) No person in the City shall keep a dog or cat tethered on a chain, rope or similar restraining device of less than 3 metres in length.

- (4) Every person who has tethered an animal on a leash shall ensure that the animal has unobstructed movement within the range of the tether and that the animal shall not suffer an injury resulting from the tether.
- (5) Every person who has the custody or control of an unspayed female dog or cat shall, during each period that the dog or cat is in heat, keep it confined so that it will not attract other animals.

PART 6 **VICIOUS DOGS**

- (1) Any dog that has been impounded by the Animal Control Officer for a biting incident shall be deemed to be a vicious dog and a record of the dog's identification, including the name of the owner, will be recorded in a register maintained by the City of Vaughan.
- (2) Every owner of a vicious dog shall:
 - (1) keep a muzzle and a leash on the dog when it is not on the premises of the owner; and,
 - (2) keep the dog restrained when it is on the premises of the owner.
- (3) No person shall keep a vicious dog in the city if the dog has been found:
 - (a) without a muzzle or leash when off the premises of the owner; or
 - (b) running at large in the City; or
 - (c) not restrained when on the premises of the owner of the vicious dog.
- (4) The Animal Control Officer shall notify the City of every owner of a vicious dog and provide all information concerning the dog required by the City.
- (5) Every owner of a vicious dog shall immediately notify the City and provide all information concerning the dog as required by the City Clerk.
- (6) Pursuant to the Dog Owners' Liability Act, the owner of a dog is liable for damages resulting from a bite or attack by the dog on any person or domestic animal.

PART 7 **CONTROL OF AGGRESSIVE DOGS**

- (1) Any dog that is an Aggressive Dog as defined by this by-law is subject to Part 1, Section 1, Subsection 5, and shall provide a record of the dog's identification, including the name of the owner, to the City.
- (2) Every owner of a dog that is an Aggressive Dog shall keep the dog securely restrained either indoors or in an enclosure when it is on the premises of the owner. When the dog is not on the premises of the owner, the dog shall be securely restrained by a leash and under the control of a person not under 18 years of age.
- (3) No person shall keep a dog that is an Aggressive Breed of Dog in the City if the dog has been found:
 - (a) running at large in the City; or
 - (b) not restrained when on the premises of the owner of the dog.
- (4) The owner of a dog that is an Aggressive Dog may request and is entitled to a hearing by the council or a committee thereof or the animal control official of the municipality if so delegated

by council, which or who may exempt the owner from restraint requirement.

- (5) The Animal Control Official for the purposes of this paragraph shall be the Senior Manager of By-law Enforcement Division.

PART 8 **TRESPASSING OF ANIMALS**

- (1) No person who owns, harbours, or possesses any animal shall permit it to run at large, or to trespass on any public or private property.
- (2) Any person who owns, harbours, or possesses any animal as a pet shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private in the City of Vaughan.

PART 9 **POUNDKEEPER**

- (1) A poundkeeper appointed by the City or any person acting under the authority of the Pounds Act may impound or distrain any livestock which is running at large.
- (2) In the event that the Senior Manager of By-law Enforcement is satisfied that the livestock running at large cannot be impounded without danger to any person or without undue damage to crops or property, he/she may authorize the tranquilizing or destruction of the animal.
- (3) For the purpose of the sub section 2 above, the firearms control by-laws of the City shall not apply.
- (4) The cost incurred by the City or a person appointed as Poundkeeper by the Council of the City of Vaughan (as set out in Schedule "A") shall be paid by the owner of the animal on demand and may be recovered by action or in like manner as municipal taxes. The provisions of the Pounds Act as to the impounding and sale of animals shall continue to apply unless specifically amended herein.

PART 10 **PIGEONS**

- (1) No person shall keep or harbour more than six (6) pigeons on any lands in the City of Vaughan zoned for residential use or within 400 feet of such lands. The keeping of pigeons is subject to Part 4, Subsection 3, regarding the total number of animals per dwelling unit.
- (2) Notwithstanding Section 1, any person who is a member in good standing of the Canadian Racing Pigeon Union may keep or harbour up to 60 racing pigeons and up to two (2) droppers on any lands zoned for residential use in the City of Vaughan, and within 400 feet of such lands.
- (3) Notwithstanding Section 2, the maximum number of racing pigeons may exceed 60 during breeding season, being March 31 to October 1.
- (4) No person shall keep or harbour any pigeons in an industrial or commercial zoned property in the City of Vaughan.
- (5) All Racing Pigeon Clubs shall, on an annual basis, provide the City with a current list of members in good standing. The list shall include the members name, address and telephone numbers. The list shall also be updated by the club whenever new members are added,

previous members have quit or if there are any other changes to a member's name, address or telephone number.

- (6) All owners of pigeons are to keep the pigeons enclosed within the coop except during flying times. The following restrictions shall apply:
- (a) a maximum of two flights per day;
 - (b) each flight shall be restricted to two (2) hours;
 - (c) flights shall be permitted between April 1 and September 30, from the hours of 6:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m.
 - (d) flights shall be permitted between October 1 and March 31, from the hours of 10:00 a.m. to 2:00 p.m.
 - (e) not more than 30 pigeons are to be allowed out during these flights.
 - (f) flights are permitted on Saturdays between April 1 to September 30, from the hours of 6:00 a.m. to 11:00 a.m., provided these times shall not apply to long distance races, being races of a minimum distance of 500 kilometres. No flights are permitted on Sundays.
- (7) Every owner shall ensure that all coops, with respect to both its interior and exterior, be kept:
- (a) in a clean condition;
 - (b) free from any rodents/mice etc.;
 - (c) free from any offensive odours;
 - (d) all exterior surfaces of the coop shall be painted or covered with a vinyl or aluminum cover;
 - (e) all interior surfaces of the coop shall be kept in a clean and sanitary condition;
 - (f) all droppings are to be removed and disposed of in a sanitary manner at least twice a week.
- (8) Any By-law Enforcement Officer of the City of Vaughan or any person appointed by the City of Vaughan, such as an Animal Control Officer, may, upon the complaint of the owner or occupant of any premises, enter upon such premises and the lands and buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons that are causing annoyance to the owner or occupant or damage to such premises. In addition, any By-law Enforcement Officer of the City of Vaughan may enter the premises of anyone harboring pigeons at any reasonable time to ensure that the provisions of this By-law are being met.
- (9) All pigeon coops shall be located in the rear yard and setback a minimum of 4.5 metres away from any side or rear lot line as those terms are defined in City of Vaughan By-law 1-88, as amended. Further the maximum area of any pigeon coop shall not exceed 14 square metres gross floor area.

PART 11 **PROHIBITED ANIMALS**

- (1) No person shall keep either on a temporary or permanent basis, any prohibited animal in the

City.

- (2) For purposes of section (1) above prohibited animals are those classes of animals listed in Schedule B.
- (3) Part 11, Section (1) does not apply to:
 - (a) areas of the City in which professionally produced films are being made by film professionals and film production companies and only temporarily during filming.
 - (b) the premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals;
 - (c) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
 - (d) premises registered as research facilities pursuant to the Animals for Research Act, RSO, 1990, c.A.22.
 - (e) premises of the York Regional Police Department;
 - (f) on the premises of a university or community college, secondary school, junior high school and pre-school where such animals are being kept for research, study or teaching purposes or on premises registered as research facilities under Section 5 of the Animals for Research Act;
 - (g) on premises holding a licence under any Statute of the Province of Ontario or Dominion of Canada, which permits the keeping of animals under stated conditions;
 - (h) domesticated Ungulates of the families Artiodactylous and Perissodactylus, Anseriformes, Galliformes and Struthioniformes on lands zoned agricultural; except for those lands zoned A Agricultural Zone which are substantially surrounded by residential development.
 - (i) on the premises of Reptilia Inc., being a business operated primarily for educational purposes, with an accessory retail component.
 - (j) in circuses where animals are kept for performances for a temporary period.
 - (k) On the premises of the Wildcare Wildlife Rehabilitation Centre.

PART 12 **PENALTIES**

- (1) Any person who contravenes any provision of this By-law is guilty of an offence pursuant to the Provincial Offences Act, and upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) for each offence committed or as set out in the Provincial Offences Act as amended from time to time..

PART 13 **REPEAL**

That Vaughan By-law Numbers 1483, 3869, 148-83, 348-86, 349-86, 122-87, 34-88, 435-88, 151-94, 242-94, 347-95, 241-96, 392-97 and 38-96 are hereby repealed.

PART 14 **EFFECTIVE DATE**

This by-law shall take effect on the date of enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 11th day of February, 2002.

L. D. Jackson, Mayor

A. Moore, Deputy City Clerk

SCHEDULE "A"
(BY-LAW #53-2002)

LICENSING / IDENTIFICATION FEES

- | | | |
|-----|---|--|
| (1) | male or female Vicious Dog or Aggressive Dog | \$50.00 per dog |
| (2) | male or female dog or cat | \$20.00 first dog / cat
\$40.00 second dog / cat
\$60.00 third dog/cat |
| (3) | spayed or neutered dog or cat
(vet. certificate required) | \$10.00 first dog / cat
\$20.00 second dog / cat
\$30.00 third dog/cat |
| (4) | for dogs / cats owned by Senior Citizens | \$ 5.00 |
| (5) | replacement tag | \$ 5.00 |
| (6) | no fee is payable if the dog/cat has been microchipped and spayed/neutered.
(Veterinarians Certificate Required), not applicable for #1 above. | |

EXEMPTIONS

- (1) any dog used as a person assistance dog, guide dog (dogs assisting persons who are hearing or visually impaired, or dogs assisting persons confined to wheelchairs, etc.), providing that a certificate from an appropriate agency or from a recognized dog training school is produced;
- (2) any dog used by the Police Department or by any other law enforcement agency in a law enforcement role;
- (3) any dog or cat being kept in a health care facility or assisted living centre as a companion for residents of such facility, or for pet-facilitated therapy.

MICRO CHIP

- (1) a reduction in the licensing fees of \$5.00 if the dog/cat has been micro chipped.

IMPOUND FEES (dogs and cats)

- | | | |
|-----|---|--------------------------------|
| (a) | for first impound | \$15.00 |
| | Plus | \$ 8.00 per day boarding costs |
| (b) | for second impound in any one year period | \$30.00 |
| | Plus | \$ 8.00 per day boarding costs |
| (c) | for third and each subsequent Impoundment in any one year | \$50.00 |
| | Plus | \$ 8.00 per day boarding costs |

FEES

- | | | |
|------------------|-----|---|
| Poundkeeper Fees | | \$25.00 per hour |
| Pound Fees | (a) | keeping of animals other than a horse, Cattle or bull |
| | | \$10.00 per animal per day |
| | (b) | keeping of a horse, cattle or bull |
| | | \$50.00 per animal per day |

TRANSPORTATION COSTS

- | | | |
|-----|--|----------------------|
| (a) | transportation of any animal, except a horse, cattle or bull | \$.35 per kilometer |
| (b) | for any horse, cattle or bull | \$75.00 per hour |

SCHEDULE "B"

BY-LAW 53-2002

PROHIBITED ANIMALS

Mammals

Artiodactyla (such as cattle, goats, sheep, pigs);
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs;
Chiroptera (bats such as fruit bats, myotis, flying foxes);
Edentates (such as anteaters, sloths, armadillos);
Felidae (such as tigers, lions, leopards, cougars) except domestic cats;
Hyaenidae (such as hyaenas);
Lagomorpha (such as hares, pikas) except rabbits;
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations;
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets;
Non-Human Primates (such as chimpanzees, gorillas, monkeys, lemurs);
Perissodactyla (such as zebras and tapirs) except the domestic horse, mule and donkey;
Proboscidea (elephants);
Procyonidae (such as coati mundi, cacomistles and raccoons);
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations;
Ursidae (bears);
Viverridae (such as mongooses, civets, genets).

Birds

Anseriformes (such as ducks, geese, swans, screamers);
Galliformes (such as pheasants, grouse, guinea, fowls, turkeys);
Struthioniformes (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis).

Reptiles

Crocodylia (such as alligators, crocodiles, gavials, caimans);
All snakes which reach an adult length larger than 3 metres;
All lizards which reach an adult length larger than 2 metres, measured from snout to tip of tail;

Other

All venomous and poisonous animals (such as rattlesnakes and cobras).
All Arthropod of the classes Arachnid, Chilopoda and Diploid (such as scorpions and tarantulas).